

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 18-cr-30147-SMY |
| DARYL A. SMITH, |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER

YANDLE, District Judge:

Before the Court is Defendant Daryl A. Smith's *pro se* motion to obtain copies (Doc. 85). Smith requests copies of the docket sheet and his plea agreement.

Defendants have no constitutional right to a complimentary copy of any document in their court files. *See United States v. Groce*, 838 F. Supp. 411, 413, 414 (E.D. Wis. 1993). Thus, before providing copies free of charge, a district court may require the requestor to show: (1) that he has exhausted *all* other means of access to his files (*i.e.*, through his trial and appellate counsel); (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar to that required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's trust account for the previous six-month period prior to filing); and (3) that the documents requested are necessary for some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977). These minimal requirements do not impose any substantial burden to prisoners who desire their records be sent to them at government expense.

Smith has not made the requisite showing that he has attempted to acquire the documents through his counsel, Todd M. Schultz, nor has he demonstrated through sufficient evidence that

he is indigent. Further, Smith has not demonstrated that the documents are necessary for a specific court action.

Therefore, the Motion (Doc. 85) is **DENIED**. If Smith wishes to pay for a copy of the requested documents, he will need to send a letter to the Clerk of Court and request the cost of production.

IT IS SO ORDERED.

DATED: April 2, 2024

The block contains a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is arched across the top of the seal, and "SOUTHERN DISTRICT OF NEW YORK" is arched across the bottom.

STACI M. YANDLE
United States District Judge